

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Craig Ninja Antonio Brewton,

Plaintiff,

v.

Sheriff Chuck Wright, Deputy Ravan,
Deputy Shelton, Sgt. Batton, Spartanburg
County, City of Spartanburg, Deputy
Claire, Deputy Hellam, Deputy Lopez, Sgt.
Bell, Deputy Ms. Marshall, Officer
Campbell, Investigator J. Cox, Lt. Pilgrim,
and Deputy Jones,

Defendants.

Case No. 8:24-cv-7655-RMG

ORDER

Before the Court is the Report and Recommendation (R&R) of the Magistrate Judge recommending that the Court summarily dismiss Defendants City of Spartanburg, Spartanburg County, Marshall, Campbell, Cox, Pilgrim, and Jones. (Dkt. No. 37). The Magistrate Judge has authorized service involving the remaining Defendants, Wright, Ravan, Shelton, Batton, Lopez, Hellam, Claire, and Bell. (Dkt. No. 36). Plaintiff has filed objections to the R & R. (Dkt. No. 41).

I. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error.

See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

II. Discussion

Plaintiff, acting pro se and a pretrial detainee at the Spartanburg County Detention Center, has asserted claims under 42 U.S.C. § 1983 of alleged excessive force and medical indifference against a number of defendants. The Magistrate Judge methodically addressed the claims against each of the named defendants and recommended the summary dismissal of the claims against a number of the defendants while authorizing service of process against other defendants.

Defendant's objections to the R & R primarily focus on the Magistrate Judge's recommendation that Spartanburg County be dismissed. The Magistrate Judge correctly noted that a county government can be liable under 42 U.S.C. § 1983 if it has adopted a policy or custom which deprives a plaintiff of a constitutional right. The Magistrate Judge recommended the summary dismissal of the claim against Spartanburg County because the amended complaint “fails to identify a policy or custom of Spartanburg County which caused his federal rights to be violated . . .” (Dkt. No. 37 at 14-15). Plaintiff makes the same arguments in his objections that he made before the Magistrate Judge but still fails to identify any particular policy or custom that has resulted in any deprivation of his federal rights. The Court overrules the objections of Plaintiff regarding the dismissal of Spartanburg County.

Plaintiff also objects to the summary dismissal of Defendants Marshall, Campbell, Cox, Pilgrim, Jones and Lopez, arguing that they “have valuable information or knowledge as witnesses to the things that have occurred to me these past years.” (Dkt. No. 41 at 2). The

Magistrate Judge addressed in detail the claims against these Defendants and correctly concluded that Plaintiff has failed to state a claim for relief against these defendants in his amended complaint. (Dkt. No. 37 at 10-13). The Magistrate Judge noted that identifying a person as a witness is not sufficient to state a claim under § 1983. The Court overrules Plaintiff's objections regarding the dismissal of these defendants.

Conclusion

In light of the foregoing, the R&R is **ADOPTED** as the Order of the Court (Dkt. No. 37) and Defendants City of Spartanburg, Spartanburg County, Marshal, Campbell, Cox, Pilgrim, and Jones are **SUMMARILY DISMISSED**. The claims against Defendants Wright, Ravan, Shelton, Batton, Lopez, Hellam, Claire, and Bell remain pending.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel

Richard Mark Gergel
United States District Judge

July 2, 2025
Charleston, South Carolina